

Application No. 10/666,316
Amendment Dated: May 26, 2008
Reply to Office Action of: December 27, 2007

REMARKS

The Applicants wish to thank the Examiner for reviewing the present application.

Claim Amendments

Claims 1, 10, 15 and 17 have been amended to clarify that the central server, proxy server and clients are "devices" and have been amended to recite processors and computer readable media as suggested by the Examiner. Dependent claims 2, 3, 6-9, 16, 18 and 29 have been amended to maintain consistency with amended claims 1, 10, 15 and 17 where appropriate. The Applicants note that such amendments have been made only to address the Examiner's rejection with respect to 35 U.S.C. 101 and have not been made in view of the cited references. It is believed that these amendments would not necessitate a further search by the Examiner.

No new subject matter is believed to have been added by way of these amendments.

Claim Rejections – 35 U.S.C. 101

Claims 1-3, 6-10, 15-18 and 29 have been rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter. The Examiner believes that independent claims 1, 10, 15 and 17 are software per-se. Although the Applicants do not necessarily agree with the Examiner, since such claims are clearly identified as "system claims" and terms such as "server", "client" and "proxy" etc. are believed to be understood to be implemented using hardware and/or computer instructions stored on a computer readable medium, claims 1, 10, 15 and 17 have been amended to specify that the proxy, server and client are "devices" and processors and computer readable media are included. The respective dependent claims have also been amended for consistency. As such, it is believed that claims 1-3, 6-10, 15-18 and 29, thus amended, comply with 35 U.S.C. 101.

Claim Rejections – 35 U.S.C. 102

Claims 10, 15 and 16 appear to have been rejected under 35 U.S.C. 102(e) as being anticipated by Dorward (US 2003/0018878). However, claim 10 is dependent on claim 1, which

Application No. 10/666,316
Amendment Dated: May 26, 2008
Reply to Office Action of: December 27, 2007

has been rejected under 35 U.S.C. 103 as being obvious regarding Dorward in view of Lambert (US 6,629,138) as discussed below. The Applicants' Canadian representative, Brett J. Slaney (Reg. No. 58,772) contacted the Examiner to clarify this issue and it was determined that the rejections of claims 10, 15 and 16 should have been included in the rejections under 35 U.S.C. 103. As such, the rejections of claims 10, 15 and 16 will be addressed as having been rejected regarding Dorward in view of Lambert.

Claim Rejections – 35 U.S.C. 103

Claims 1-3, 6-9, 17-21, 28 and 29 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Dorward in view of Lambert. As noted above, claims 10 and 15-16 have also been rejected on the same grounds. The Applicants respectfully traverse the rejections as follows.

As previously discussed, the present application is directed to a version control system used in software development, and to components thereof that use a proxy to handle requests from a client to a central server for obtaining copies of different versions of the same file. The central server is responsible for making all modifications and the proxy handles all requests from the client. The proxy reduces load on the central server since the server only needs to be concerned with modifications and not handling each request from the client. The client uses a version manager for making the requests, which also reduces network traffic between the proxy and the central server.

The Applicants believe that the Examiner has again overlooked that the claims of the present application are directed to version control, and believe that the Examiner has improperly equated a file archive system (Dorward) with a file versioning system (e.g. claim 1).

The Applicants respectfully submit that file archiving is clearly different from file versioning and, as such, the primary reference Dorward, is not relevant. It is well known in the art that file archiving involves creating backup copies of files by writing such files to a separate medium such as a backup disk. It is unclear how this can be considered equivalent to deal with multiple versions of the same file. In fact, in the Abstract of Dorward, it is stated that: "The processing operation is configured to provide write-once archival storage of the data block..". There is simply no commonality between what is described in Dorward and file versioning. Dorward is entirely silent in that regard. Moreover, in paragraph [0003] of Dorward, "archival data" is defined as: "generally to file backups or other types of non-primary information storage

Application No. 10/666,316
Amendment Dated: May 26, 2008
Reply to Office Action of: December 27, 2007

in a designated long-term storage system". Again, Dorward deals specifically with archiving and ways in which the blocks of data are stored for the long term.

Referring now to the specific rejections in the office action, the Applicants believe that the Examiner has misconstrued several other aspects of Dorward. First, it appears that the Examiner has relied on the disclosure of a server farm or cluster in rejecting claim 1 but it is unclear as to which element in claim 1 is being equated to the server farm. If for the sake of argument, one equates the server farm to the proxy recited in claim 1, there are various differences that should be noted. One difference is that a server farm does not in any way act in the same way as a proxy. It is well known that a server farm is used to replicate tasks so that load balancing and other tasks can be shared. The proxy recited in claim 1 is used to perform separate duties from the server and the client and thus cannot be considered equivalent to the role being served by a server farm or vice versa. Also, the server farm referred to in Dorward is simply an alternative to the server shown in Figure 1. Again, there is nothing in Dorward that even mentions handling multiple versions of the same file.

Second, the Examiner also appears to rely on the file server 108 in Dorward as being relevant to claim 1. Again, if for the sake of argument, one were to equate the file server 108 to the proxy device in claim 1, there is still no teaching of caching copies of recently accessed ones of a plurality of version of the same file. In fact, there is nothing in Dorward that even explains what the file server does other than supposedly routine tasks of a file server. It is unclear where the Examiner has ascertained that Dorward provides a proxy that behaves as recited in claim 1 and requests further clarification should the same references be cited in a further office action.

Third, the Examiner believes that the tree structure mentioned in Dorward discloses storing copies of currently and previously accessed plurality of versions by using tree pointers to reconstruct versions. The Applicants believe that this involves a leap of logic based on hindsight. The tree structure in Dorward merely describes a file allocation mapping for storing files, i.e. archiving. The tree does not act as a file versioning system or a mapping therefor. Dorward mentions modifying the tree but this simply implies that when new data blocks are added, the tree would naturally include additional entries. Again, it is believed that the Examiner has improperly equated something taken from Dorward to something recited in claim 1 by extrapolating on the teachings in Dorward beyond what would be reasonably understood from a careful review of what is actually described. The Applicants refer the Examiner to lines 2-3 of paragraph [0058] in Dorward where it is clearly stated that: "The data blocks are located via a

Application No. 10/666,316
Amendment Dated: May 26, 2008
Reply to Office Action of: December 27, 2007

fixed depth tree of pointer blocks..." [emphasis added]. The tree is therefore used to locate data blocks stored in the archive system not control file versioning, and there is nothing in Dorward that provides for or even suggests or mentions a file versioning system.

Based at least on the above remarks, the Applicants believe that Dorward is clearly irrelevant to the claims recited in the present application and thus believes that all pending claims are patentably distinguished over Dorward.

The Examiner has also cited Lambert for allegedly teaching what is missing from Dorward. However, given the remarks above, Lambert must not only teach what the Examiner has acknowledged is missing from Dorward, but also what the Applicants are believed to have shown is missing from Dorward, i.e. the lack of teaching of a file versioning system.

Upon a careful review of Lambert, it is believed that although Lambert shows a cache, this does not provide an equivalent to the proxy device recited in claim 1. Moreover, Lambert does not mention file versioning and thus does not teach what is believed to be missing from Dorward. For at least these reasons, it is believed that even if combined, Dorward and Lambert fail to even address the same problem, i.e. the handling of multiple versions of a file, let alone teaching a proxy between the client and server that operates as recited in claim 1. Similar arguments apply to the other independent claims. The dependent claims are also believed to be patentably distinguished over Dorward in view of Lambert.

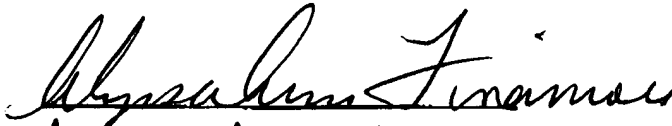
Claims 11-14 and 25-27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Dorward in view of Lambert in further view of Goodman (US 2006-0059253). It is believed to have been shown above that neither Dorward nor Lambert facilitate or even mention file versioning, let alone as claimed in the present application. Therefore, Goodman must not only teach the features acknowledged as being missing from Dorward and Lambert but also teach the file versioning features discussed above. The Applicants believe that the Examiner has again misidentified a feature in Goodman as being related to file versioning. In particular, paragraph [0138] of Goodman, which mentions "version control" is actually referring to version control for system components and not multiple versions of the same file. Therefore, Goodman is also believed to be irrelevant. For at least this reason, claims 11-14 and 25-27 are believed to be patentably distinguished over Dorward in view of Lambert in further view of Goodman.

In view of the foregoing, it is therefore believed that claims 1-3, 6-21 and 24-29 are in condition for allowance.

Application No. 10/668,316
Amendment Dated: May 26, 2008
Reply to Office Action of: December 27, 2007

Applicants request early reconsideration and allowance of the present application.

Respectfully submitted,



ALYSSA ANN FINAMORE
Attorney/Agent for Applicant
Registration No. 55,177

Date: May 27, 2008

DOWELL & DOWELL, P.C.
Suite 406, 2111 Eisenhower Avenue
Alexandria, VA 22314
USA

Tel: (703) 415-2555
Fax: (703) 415-2559